



Roll Call Number

25-0055

Agenda Item Number

37

Date January 13, 2025

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR A LAND EXCHANGE AGREEMENT WITH GALINSKY FAMILY REAL ESTATE, L.L.C. AND THE GARY L. GALINSKY TRUST AND MINDY SUE GALINSKY TRUST FOR PROPERTY LOCATED AT 3028 MAURY STREET AND 3016 MAURY STREET FOR THE SOUTHEAST CONNECTOR - SE 30TH STREET TO U.S. HIGHWAY 65 PROJECT

WHEREAS, Galinsky Family Real Estate, L.L.C., an Iowa limited liability company (“Seller”), is the owner of certain property located at 3028 Maury Street, Des Moines, Iowa (hereinafter “Seller Parcel”), legally described below; and

WHEREAS, Gary L. Galinsky, as Trustee of the Gary L. Galinsky Trust dated March 9, 2022, as amended, as to an undivided one-half (1/2) interest and Mindy Sue Galinsky, as Trustee of the Mindy Sue Galinsky Trust dated March 9, 2022, as amended, as to an undivided one-half (1/2) interest (“Recipient”), is the owner of two unaddressed properties located at the northeast corner of SE 30th Street and Maury Street with the District Parcel numbers of 050/01741-000-000 and 050/32307-101-044; and

WHEREAS, the Seller and the Recipient are related parties and hold title to the properties in different names; and

WHEREAS, the City of Des Moines, Iowa (“City”) is the owner of certain property located at 3016 Maury Street, Des Moines, Iowa (hereinafter “City Parcel”), which property adjoins the Recipient’s property located at the northeast corner of SE 30th Street and Maury Street, legally described below; and

WHEREAS, as part of the Southeast Connector – SE 30th Street to U.S. Highway 65 Project, the City has offered to convey the City Parcel to the Recipient in exchange for a portion of the Seller’s Parcel, subject to the following conditions:

- 1) Recipient will pay City \$150,000.00 at the time of closing to compensate the City for the estimated additional cost of extending the proposed Onawa Street beyond the original design further to the east across Seller’s Parcel.
- 2) Seller will demolish the house located on the Seller Parcel within 90 days from the date of Council acceptance of the Land Exchange Agreement, and is required to meet special demolition standards listed in the Land Exchange Agreement; and

WHEREAS, the above conditions represent an equitable exchange of value for the land exchange, as determined by the City’s Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the City Parcel proposed to be exchanged and the City will not be inconvenienced by the conveyance of said City Parcel; and

WHEREAS, on December 23, 2024, by Roll Call No. 24-1716, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on January 13,



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2025, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to convey the City Parcel by a land exchange agreement was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of certain City property located at 3016 Maury Street, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of 3016 Maury Street, Des Moines, Iowa, as legally described below:

LOTS 13 AND 14 OF THE SUBDIVISION OF LOT 19 IN FISHER FIELD, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.48 ACRES (21,000 SQUARE FEET).

3. The proposed Land Exchange Agreement with Galinsky Family Real Estate, L.L.C. and the Gary L. Galinsky Trust and Mindy Sue Galinsky Trust as part of the Southeast Connector – SE 30th Street to U.S. Highway 65 Project, whereby the City agrees to convey the City Parcel, legally described above, in exchange for property located at 3028 Maury Street, Des Moines, Iowa, legally described as follows, subject to payment of \$150,000.00 by the Recipient at closing to compensate the City for the estimated additional cost of extending the proposed Onawa Street beyond the original design further to the east across Seller’s Parcel; and subject to the demolition of the house located on the Seller Parcel within 90 days from the date of Council acceptance of the Land Exchange Agreement, subject to special demolition standards listed in the Land Exchange Agreement, is hereby approved:

ALL OF LOT 11 AND THE EAST 16 FEET OF LOT 12 IN THE SUBDIVISION OF LOT 19 IN FISHER FIELD, AN OFFICAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.32 ACRES (13,860 SQUARE FEET).



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4. The Mayor is authorized and directed to sign the Land Exchange Agreement and Quit Claim Deeds for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Manager is authorized to sign any minor and non-substantial amendments to the land exchange agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.
6. Upon proof of payment of the consideration, the City Clerk is authorized and directed to forward the originals of the Quit Claim Deeds, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
7. The Real Estate Division Manager is authorized and directed to forward the originals of the Quit Claim Deeds, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
8. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantee.
9. The proceeds associated with this transaction shall be deposited into the SE Connector – SE 30th Street to U.S. Highway 65 project, ST256.



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(Council Communication No. 25-010)

Moved by Gatto to adopt. Second by SIMONSON.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL. Includes signature of Connie Boesen, Mayor.

CERTIFICATE

I, Laura Baumgartner, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Laura Baumgartner City Clerk